

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC d/b/a
BRAZOS LICENSING AND
DEVELOPMENT,

Plaintiff,

V.

GOOGLE LLC,

Defendant.

[Decorative flourish]

Case No. 6:20-cv-580-ADA

JURY TRIAL DEMANDED

**DECLARATION OF FRANCESCA MIKI SHIMA GERMINARIO IN
SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT
OF NONINFRINGEMENT BY DEFENDANT GOOGLE LLC**

I, Francesca Miki Shima Germinario, hereby declare under 28 U.S.C. § 1746:

1. I am an attorney licensed to practice in the State of California and am an attorney at the law firm of Warren Lex LLP, counsel for Google LLC. I am over the age of 18, have personal knowledge of the matters set forth in this declaration and, if called as a witness, I could and would testify competently to each of them.

2. Attached hereto as Exhibit A is a true and correct copy of U.S. Patent No. 7,946,491 to Burian et al., bearing Bates numbers WSOU_580_7946491-0000326 to WSOU_580_7946491-0000346.

3. Attached hereto as Exhibit B is a true and correct copy of excerpts from Volume I of the Deposition Transcript of Dr. Tibor Kozek (May 24, 2023), annotated with highlighting in accordance with the Court's Standing Order Governing Proceedings 4.3 § X.11.

4. Attached hereto as Exhibit C is a true and correct copy of excerpts from Volume II of the Deposition Transcript of Dr. Tibor Kozek (May 25, 2023), annotated with highlighting in accordance with the Court's Standing Order Governing Proceedings 4.3 § X.11. Exhibit C contains information designated "RESTRICTED – CONFIDENTIAL SOURCE CODE" and "RESTRICTED – ATTORNEYS' EYES ONLY" under the Court's Protective Order (Docket No. 54); Google accordingly files it under seal.

5. Attached hereto as Exhibit D is a true and correct copy of excerpts from the file history of U.S. Patent No. 7,946,491, Pre-Appeal Brief (Dec. 3, 2010), bearing Bates numbers WSOU_580_7946491-0000037 to WSOU_580_7946491-0000041, annotated with highlighting in accordance with the Court's Standing Order Governing Proceedings 4.3 § X.11.

6. Attached hereto as Exhibit E is a true and correct copy of an excerpt from the file history of U.S. Patent No. 7,946,491, Notice of Allowance and Fee(s) Due (Jan. 1, 2011), bearing Bates numbers WSOU_580_7946491-0000021 to WSOU_580_7946491-0000022.

7. Attached hereto as Exhibit F is a true and correct copy of the Expert Report of Dr. Tibor Kozek Regarding Infringement of U.S. Patent No. 7,946,491 (Apr. 4, 2023), annotated with highlighting in accordance with the Court's Standing Order Governing Proceedings 4.3 § X.11. Exhibit F contains information designated "SOURCE CODE – OUTSIDE ATTORNEYS' EYES ONLY" and "RESTRICTED – HIGHLY CONFIDENTIAL" under the Court's Protective Order (Docket No. 54); Google accordingly files it under seal.

8. Attached hereto as Exhibit G is a true and correct copy of the Rebuttal Expert Report of Dan Schonfeld, Ph.D. Regarding Non-Infringement of U.S. Patent No. 7,946,491 (Apr. 28, 2023), annotated with highlighting in accordance with the Court's Standing Order Governing Proceedings 4.3 § X.11. Exhibit G contains information designated "RESTRICTED –

CONFIDENTIAL SOURCE CODE” under the Court’s Protective Order (Docket No. 54); Google accordingly files it under seal.

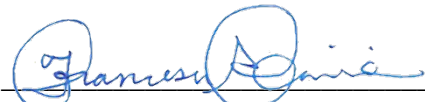
9. Attached hereto as Exhibit H is a true and correct copy of excerpts from the Expert Report of Dan Schonfeld, Ph. D Regarding Invalidity of U.S. Patent No. 7,946,491 (Apr. 4, 2023), annotated with highlighting in accordance with the Court’s Standing Order Governing Proceedings 4.3 § X.11.

10. Attached hereto as Exhibit I is a true and correct copy of excerpts from the Rebuttal Expert Report of Dr. Tibor Kozek Concerning Validity of U.S. Patent No. 7,946,491 (Apr. 28, 2023), annotated with highlighting in accordance with the Court’s Standing Order Governing Proceedings 4.3 § X.11. Exhibit G contains information designated “RESTRICTED – ATTORNEYS’ EYES ONLY” under the Court’s Protective Order (Docket No. 54); Google accordingly files it under seal.

11. Attached hereto as Exhibit J is a true and correct copy of an excerpt from a printed Google Source Code File. Exhibit J contains information designated “RESTRICTED – CONFIDENTIAL SOURCE CODE” under the Court’s Protective Order (Docket No. 54), Google has accordingly redacted any information not relied upon, and files it under seal.

12. Attached hereto as Exhibit K is a true and correct copy of Exhibit B to the Rebuttal Expert Report of Dan Schonfeld, Ph.D. Regarding Non-Infringement of U.S. Patent No. 7,946,491 (Apr. 28, 2023). Exhibit K contains information designated “RESTRICTED – CONFIDENTIAL SOURCE CODE” under the Court’s Protective Order (Docket No. 54), Google accordingly files it under seal.

I declare under penalty of perjury that the foregoing is true and correct. Executed on
June 28, 2023, in San Francisco, California.



Francesca Miki Shima Germinario